

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON DC 20268-0001

REVIEW OF NONPOSTAL SERVICES

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Docket No. MC2008-1

**REPLY OF EPOSTMARKS, INC.
TO COMMENTS OF
ELECTRONIC FRONTIER FOUNDATION
(December 8, 2008)**

Epostmarks, Inc. respectfully submits this reply to two points made in the November 24 Comments of the Electronic Frontier Foundation ("EFF").

(1) EFF suggests that Epostmarks and other licensees of the Postal Service's electronic postmark ("EPM") that bundle their own value-added applications with the underlying EPM platform are somehow expanding the scope of the service offered by the Postal Service, and therefore have expanded the scope of the Commission's review in this docket. See EFF at 2 ("the UPTO [sic] is now planning to license out the intellectual property of the USPS to third-parties for the purposes of offering their own time-stamping services . . . Those companies can also bundle other services with their time-stamping service.")

EFF overlooks the distinction between the EPM platform technology and the value-added applications built to leverage it. The former is an enabling technology that conveys the trust and enforcement capability of the Postal Service; the latter are what private sector applications developers like Epostmarks create to leverage those assets.

Any company can bundle its own services with an EPM timestamp; that is the entire point of a technology platform like the EPM. When a licensee bundles its own services with the platform, the USPS does not thereby begin offering or licensing those applications. Cf. EFF at 2.

(2) EFF likewise errs in claiming that the Postal Service changed the fundamental nature of its EPM service in August 2007 by abandoning the provision of “time-stamping” by the USPS itself. The only element of the USPS business model that changed significantly in August 2007 was the number of potential licensees. Even before that date, the actual generation of time stamps was performed by the licensee, not the Postal Service.

Respectfully submitted,

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